

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.176 of 2017

IN

Letters Patent Appeal No. 1678 of 2013

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Dinesh, Son of Late Ramgya Singh R/O Village Ramban, PO Phulkahan, PS Shyampur Bhatahan, District Sheohar

.... Petitioner

Versus

1. The Bihar Public Service Commission, Through Its Chairman, Bailey Road, Patna
2. The Secretary, Bihar Public Service Commission, Through Its Chairman, Bailey Road, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Advocate

For the Respondent/s : Mr. Sanjay Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-09-2017

Seeking review of an order dated 27.03.2017 passed by this Court in LPA No. 1678 of 2013 this application has been filed.

The writ petition and the appeal were filed challenging evaluation of answer book of the petitioner in the 1st Regional Service Examination conducted by the Bihar Public Service Commission (BPSC in short) more than 14 years back between 8th April, 2002 and 20th April, 2002 and the result declared by issuing mark-sheet to the petitioner on 30th April, 2004. The petitioner had contended that proper marks have not been awarded to the petitioner.

While dealing with the matter in appeal, we found that the



petitioner had not pleaded or brought on record in the writ petition specific grounds, evidence or material prima facie to indicate as to what are the questions answered by the petitioner and what is the wrong evaluation done. We had indicated that there is no foundation for the submission made. Now the petitioner relies upon the answer sheets and other material received by the petitioner under the Right to Information Act and is trying to demonstrate that the answer sheets were not properly evaluated. However, these materials were not available when the writ petition was decided and when the LPA was heard by us on 27.03.2017. On petitioner's own showing, these documents have been obtained by him much after the proceedings in the writ petition and the LPA were concluded. In fact, we had observed that the petitioner had not produced enough material to substantiate the contention. The petitioner is now trying to bring the material and substantiate the contention. On such consideration review of the order is not permissible. In case law permits, the petitioner may point out the infirmities or illegalities to the Board which conducted the examination and it would be proper for the Board to take action in accordance with law. However, in this review petition based on this contention we are not inclined to re-open the issue and find no ground to make any indulgence with regard to an examination said to have been conducted way back in the year 2002.



We see no ground to review the order dated 27.03.2017 passed in LPA No. 1678 of 2013. The review application is therefore dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl.

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